

By: Senator(s) Gordon

To: Finance

SENATE BILL NO. 2885
(As Passed the Senate)

1 AN ACT TO AMEND SECTIONS 31-31-3, 31-31-5, 31-31-7, 31-31-9
2 AND 31-31-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
3 DEPARTMENT OF FINANCE AND ADMINISTRATION SHALL ADMINISTER THE
4 MISSISSIPPI TELECOMMUNICATION CONFERENCE AND TRAINING CENTER; TO
5 ABOLISH THE MISSISSIPPI TELECOMMUNICATION CONFERENCE AND TRAINING
6 COMMISSION AND TRANSFER ITS POWERS, DUTIES, RECORDS, PROPERTY,
7 FUNDS AND OTHER ASSETS AND PERSONNEL TO THE DEPARTMENT OF FINANCE
8 AND ADMINISTRATION; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 SECTION 1. Section 31-31-3, Mississippi Code of 1972, is
11 amended as follows:

12 31-31-3. As used in this chapter:

13 (a) "Department" means the Department of Finance and
14 Administration.

15 (b) "Facility" means the Mississippi Telecommunication
16 Conference and Training Center located in the City of Jackson,
17 Mississippi.

18 (c) "Fund" means the Mississippi Telecommunication
19 Conference and Training Center Fund.

20 (d) "Hotel" or "motel" means and includes a place of
21 lodging that at any one time will accommodate transient guests on
22 a daily or weekly basis and that is known to the trade as such.
23 Such terms shall not include a place of lodging with ten (10) or
24 less rental units.

25 SECTION 2. Section 31-31-5, Mississippi Code of 1972, is
26 amended as follows:

27 31-31-5. (1) There is hereby created a commission to be
28 known as the "Mississippi Telecommunication Conference and
29 Training Center Commission" which shall consist of eleven (11)
30 members as follows:

31 (a) The Executive Director of the Department of
32 Economic and Community Development;

33 (b) The Mayor of the City of Jackson;

34 (c) The President of Jackson State University;

35 (d) The Vice Chancellor for Health Affairs of the
36 University of Mississippi Medical Center;

37 (e) The Executive Director of the Metro Jackson
38 Convention and Visitors Bureau;

39 (f) The Executive Director of the Institute for
40 Technology Development;

41 (g) Three (3) members of the private sector appointed
42 by the Governor, with the advice and consent of the Senate, to
43 serve a term concurrent with that of the Governor; and

44 (h) Two (2) members of the private sector appointed by
45 the Lieutenant Governor, with the advise and consent of the
46 Senate, to serve a term concurrent with that of the Lieutenant
47 Governor.

48 (2) The members of the commission shall serve without
49 compensation except that members shall be paid their actual and
50 necessary expenses in connection with the performance of their
51 duties as members of the commission including mileage, as
52 authorized in Section 25-3-41 and each member who is not a state
53 employee or a public official shall be paid a per diem as
54 authorized in Section 25-3-69. Expenses, mileage and per diem
55 allowance shall be paid out of the Mississippi Telecommunication
56 Conference and Training Center Fund.

57 (3) The commission shall elect from its membership a
58 chairman, who shall preside over meetings, and a vice chairman,
59 who shall preside in the absence of the chairman. Four (4)
60 members of the commission shall constitute a quorum for the
61 transaction of any and all business of the commission.

62 (4) The commission shall appoint a director who shall be
63 responsible for conducting the day to day business of the
64 commission.

65 (5) Lease of the facility as provided for in Section
66 31-31-7, the Mississippi Telecommunication Conference and Training
67 Center Commission shall be abolished and all:

68 (a) Records, property, funds and other assets and
69 personnel of the commission shall be transferred to the
70 department; and

71 (b) Any personal service, management or other contracts
72 of like nature entered into by the commission shall be cancelled.

73 **SECTION 3.** Section 31-31-7, Mississippi Code of 1972, is
74 amended as follows:

75 31-31-7. The department shall have the following powers with
76 regard to the Mississippi Telecommunication Conference and
77 Training Center:

78 * * *

79 (a) To establish, construct, enlarge, improve,
80 maintain, equip, operate and regulate the facility and other
81 property incidental thereto, including any additional property or
82 facilities considered by the department to promote the business,
83 usage or economic viability of the facility;

84 (b) To grant to others the privilege to operate for
85 profit concessions, leases and franchises, including but not
86 limited to, the furnishing of food and banquet services,
87 management services, and other services necessary to the operation
88 of the facility and such concessions, leases and franchises shall
89 be exclusive or limited;

90 (c) To lease the facility to any public or private
91 entity;

92 (d) To determine fees, rates and charges for the use of
93 the facility;

94 (e) To apply for and accept gifts, or grants of money
95 or gifts, grants or loans of other property or other financial
96 assistance from any source to carry out the purposes of this
97 chapter;

98 (f) To borrow funds needed to carry out the purposes of
99 this chapter; * * * however, * * * such debt may be secured only
100 by the revenues generated by the facility, funds generated by the
101 tax levied pursuant to Section 31-31-11 and the proceeds of any
102 bonds issued pursuant to this chapter;

103 (g) To appoint, employ or engage such officers,
104 employees, architects, engineers, attorneys, accountants,
105 financial advisors, investment bankers and other advisors,
106 consultants, and agents as may be necessary or appropriate to
107 carry out the purposes of this chapter;

108 (h) To make, assume and enter into all contracts,
109 leases and arrangements necessary or incidental to the exercise
110 for its powers, including, but not limited to, contracts for
111 management, operation or marketing of all or any part of the
112 facility;

113 (i) To adopt, amend and repeal rules and regulations
114 for the use, maintenance and operation of the facility and
115 governing the conduct of persons and organizations using the
116 facility and to enforce such rules and regulations; and

117 (j) To do all things necessary or convenient to the
118 purposes of this chapter.

119 **SECTION 4.** Section 31-31-9, Mississippi Code of 1972, is
120 amended as follows:

121 31-31-9. All monies and revenues collected * * * from fees,
122 rates and charges for the use of the facility shall be paid by the
123 department to the State Treasurer, to be deposited to the credit
124 of a special fund to be known as the "Mississippi
125 Telecommunication Conference and Training Center Fund." Money in
126 the fund at the end of a fiscal year shall not lapse into the

127 General Fund and interest earned on any amounts deposited into the
128 fund shall be credited to the special fund. Except as otherwise
129 provided in Section 31-31-11, all expenses incident to the
130 operation and upkeep of the facility shall be paid out of the
131 fund.

132 **SECTION 5.** Section 31-31-11, Mississippi Code of 1972, is
133 amended as follows:

134 31-31-11. (1) For the purpose of providing funds for the
135 payment of a certain portion of the debt service on any bonds
136 issued pursuant to this chapter and for the purpose of providing
137 funds for the maintenance of the facility and renovations,
138 improvements and additions to the facility, there is hereby
139 levied, assessed and shall be collected from every person engaging
140 in or doing business in the City of Jackson, Mississippi, as
141 specified herein, a tax which may be cited as an "occupancy tax,"
142 which shall be in addition to all other taxes now imposed. Such
143 tax shall be upon each hotel and motel located within the City of
144 Jackson in the amount of Seventy-five Cents (75¢) per day for each
145 occupied room.

146 (2) Persons liable for the tax imposed herein shall add the
147 amount of tax to the price of rooms, and in addition thereto shall
148 collect, insofar as practicable, the amount of the tax due by him
149 from the person receiving the services or goods at the time of
150 payment therefor.

151 (3) Such tax shall be collected by and paid to the State Tax
152 Commission on a form prescribed by the State Tax Commission, in
153 the same manner that state sales taxes are collected and paid; and
154 the full enforcement provisions and all other provisions of
155 Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
156 necessary to the implementation and administration of this
157 chapter.

158 (4) The proceeds of such tax shall be deposited by the State
159 Tax Commission into the reserve fund created pursuant to

160 subsection (5) of this section on or before the fifteenth day of
161 the month following the month in which collected by the State Tax
162 Commission.

163 (5) There is hereby created in the State Treasury a special
164 fund to be called the "Mississippi Telecommunication Conference
165 and Training Facility Reserve Fund." Money in the fund at the end
166 of a fiscal year shall not lapse into the General Fund and
167 interest earned on any amount deposited into the fund shall be
168 credited to the special fund. Money in the fund shall be used to
169 pay a portion of the debt service of the bonds issued pursuant to
170 this chapter as specified in subsection (6) of this section and to
171 provide funds for the maintenance and operation of the facility,
172 including, but not limited to, the director and all other
173 personnel for operational purposes. * * *

174 (6) The amount of the debt service that shall be paid
175 annually from the reserve fund shall be the amount of the debt
176 service on bonds attributable to forty percent (40%) of the cost
177 of constructing the facility and the amount of the debt service on
178 bonds attributable to all land acquisition costs. Amounts
179 remaining in the fund in any fiscal year after the payments
180 required by this subsection for debt service, may be used * * * to
181 provide funds for the maintenance of the facility and renovations,
182 improvements and additions to the facility.

183 (7) Before the taxes authorized by this chapter shall be
184 imposed, the municipal governing authorities of the City of
185 Jackson shall adopt a resolution declaring its intention to levy
186 the tax, setting forth the amount of such tax and establishing the
187 date on which this tax initially shall be levied and collected.
188 This date shall be not less than the first day of the second month
189 from the date of adoption of the resolution.

190 The resolution shall be published in a local newspaper at
191 least twice during the period from the adoption of the resolution
192 to the effective date of the taxation prescribed in this section,

193 with the last publication being made no later than ten (10) days
194 prior to the effective date of such taxation.

195 (8) The tax imposed pursuant to this section shall remain in
196 force and effect until the City of Jackson shall by resolution
197 rescind the tax; * * * however, * * * the tax imposed pursuant to
198 this section shall not be rescinded if any bonds issued pursuant
199 to this chapter remain outstanding.

200 **SECTION 6.** This act shall take effect and be in force from
201 and after its passage.